

CRWP No.3757 of 2021

Date of Decision :20.04.2021

Preeti and another

....Petitioners

Vs.

State of Punjab and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Ms. Veenua Malik, Advocate for the petitioners.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Article 226 of the Constitution of India is for the issuance of a writ in the nature of Mandamus for directing respondent Nos. 2 & 3 to protect the life and liberty of the petitioners at the hands of respondent Nos. 4 & 5, for directing respondent Nos. 4 & 5 not to interfere in the life and liberty of the petitioners, as also for directing respondent Nos. 2 and 3 not to allow respondent Nos. 4 and 5 or anybody else to interfere in the personal life and liberty of the petitioners or to harass them in any manner.

3. Learned counsel contends that the petitioners seek protection of their life and liberty on account of having performed marriage on 11.04.2021, though against the wishes of respondent Nos. 4 & 5. Learned counsel contends that the petitioners fulfill all the conditions stipulated under law to entitle them to get married, the petitioners are major as date of birth of petitioner No. 1 is 01.08.2000 while that of petitioner No. 2 is 01.01.1996 as is evident from the

Aadhaar Cards, Annexures P/1 and P/2, and they got married as per Hindu rites and ceremonies on 11.04.2021 as is evident from the marriage certificate, Annexure P/4 dated 11.04.2021 besides photographs of marriage (Annexure P/3) without any force, pressure, coercion or undue influence. Learned counsel contends that the petitioners have submitted representation Annexure P/5 dated 11.04.2021 to respondent No.2 i.e. Sr. Superintendent of Police, District SAS Nagar, Mohali, Punjab for redressal of their grievance but no action has been taken in respect thereto till date and that in the circumstances, the petitioners would be satisfied if the writ petition is disposed of by directing respondent No.2 to consider and decide the aforesaid representation in accordance with law, in a time bound manner.

4. Notice of motion to respondent No.2 only.

5. Mr. Hittan Nehra, Addl. A.G. Punjab, who is present in Court, accepts notice on behalf of respondent No.2 and states that he has no objection to the limited prayer made by learned counsel for the petitioners.

6. Accordingly, in view of the decision of Hon'ble the Supreme Court in **Lata Singh vs. State of UP and others, JT 2006 (6) SC, 173** but without commenting upon the age of the petitioners, validity of their marriage or the authenticity of the documents attached with the petition, the petition is disposed of by directing respondent No.2 i.e. Sr. Superintendent of Police, District SAS Nagar, Mohali, Punjab to consider and decide representation, Annexure P/5 dated 11.04.2021, submitted by the petitioners in accordance with law as expeditiously as possible and to take such action in respect thereto as may be warranted, keeping in view the threat perception to the petitioners.

However, it is made clear that this order shall not bar any civil or criminal proceedings initiated against the petitioners in accordance with law.

(B.S. Walia)
Judge

20.04.2021
‘Amit’

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No